FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
FAMILY COURT APPEAL NO.28 OF 2002

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.A.G.Toraskar for appellant.
Mr.K.D.Vengurlekar party in person.

CORAM : H.L GOKHALE &
R.S.MOHITE, JJ.
DATED : 30th November 2004

P.C. :

1. Heard Mr.Toraskar for the appellant. Respondent appears in person.

2. The appellant-wife and the respondent-husband are both present. With a view to sort out the matter amicably, we had a word with the appellant as well as the respondent who appeared in person today in chamber. The appellant has thereafter filed an affidavit stating that though she is seeking an amount of Rs.Two Lakhs, she agrees to accept the amount as considered proper by this Court by

way of full and final settlement of the dispute between the parties. The appellant has further stated that on receipt of the said amount, she agrees that the decree of consent divorce be confirmed.

3. The parties have thereafter filed Consent Terms signed by both of them. Mr.Toraskar has interpreted and explained these Consent Terms to the appellant and the Associate has interpreted and explained the same to the respondent. These Consent Terms are taken on record and marked ‘X’ for identification.

4. Under the Consent Terms, the respondent has agreed to deposit an additional amount of Rs.20,000/- in the Family Court, Mumbai for the appellant on or before 31st December 2004. This undertaking in paragraph-2 of the

Consent Terms is hereby accepted and the respondent is directed to act accordingly.

5. The respondent has further stated that he has no objection to the appellant withdrawing the amount of Rs.60,000/- with interest which has already been deposited plus the amount of Rs.20,000/- which is to be deposited by 31st December 2004. The appellant is at liberty to withdraw that amount. The appellant has accepted the impugned decree of divorce in view of the aforesaid understanding and has specifically stated that she does not press the Family Court Appeal.

6. In view the above affidavit and the Consent Terms, we dispose of this Appeal as not pressed. The decree of divorce granted by the Family Court,

Bombay, shall stand confirmed.

7. Although the Appeal is disposed of, inasmuch as part of the payment is to be made by 31st December 2004, we grant liberty to the appellant to mention the matter in the first week of January 2005 in case any such occasion arises, namely, that the amount is not so deposited. The appellant is at liberty to mention the matter for reviving the Appeal and/or to take appropriate action against the respondent for breach of the undertaking.

8. All the parties as well as the concerned Authorities of the Family Court will act on an authenticated copy of this order.

(H.L.GOKHALE, J.)

(R.S.MOHITE, J.)